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NORWAY

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I. LAND AND PEOPLE

1. Norway covers an area of 386,958 square kilometres. Of the 4.2 million inhabitants, 30 per cent live in sparsely populated areas. Approximately 4.3 per cent (183,309) of the population are foreign born. Of these, 52.6 per cent (96,426) were born in Europe, 26.5 per cent (48,584) in Asia, 9.8 per cent (17,800) in North and Central America, 5.7 per cent (10,575) in Africa, 4.8 per cent (8,836) in South America and 0.5 per cent (1,008) in Oceania. Norway also has its own indigenous population, the Sami people. It is difficult to determine the exact size of the Sami population in Norway, but it is generally estimated to be approximately 30,000.

2. In 1988 Norway had a gross national product of Norwegian kroner (Nkr) 583,278 million, which is approximately US$ 90 billion. The same year total foreign assets were Nkr 253,826 million and liabilities Nkr 383,311 million, giving a net external debt of Nkr 129,485 million. The average gross income was Nkr 133,512. In 1990 the inflation rate was 4.1 per cent and in 1991 3.4 per cent. In 1987 a total of 32,391 unemployed were registered at the employment offices. In 1990, the number had increased to 92,695, which is 4.3 per cent of the workforce. By October 1991 unemployment had risen to 4.6 per cent.

3. The life expectancy of women is 79.34 years and of men 73.34 years (1989). The infant mortality rate (deaths within the first year of life per 1,000 live births, 1989) is 7.9. The fertility rate (live births per 1,000 women, 1989) is 1.89. Approximately 19 per cent of the population is below the age of 15, and approximately 16 per cent is above the age of 65. The total number of households is 1,930,024. Of these, 43.7 per cent consist of single persons. Households consisting of a mother and one or more children, make up 8.8 per cent of the total.

II. GENERAL POLITICAL STRUCTURE

4. The Norwegian Constitution of 17 May 1814 is based, inter alia, on the principle of division of powers in the State between mutually independent legislative, executive and judicial authorities. Since the introduction of the principle of parliamentary government in 1884, it can however no longer be maintained that the executive power is independent of the legislature.

5. General elections to the Storting (national assembly) are held every fourth year. There are a number of political parties in Norway. Laws are enacted by the Storting, usually based on bills submitted by the Government. The executive branch is headed by the King. The monarch does not however exercise personal power. The Government consists of the Prime Minister and a number of ministers. Formal decisions made by the Government are made in the form of "Royal Decrees".

6. A number of political decisions are made at county and municipal level. Much of the public administration is also carried out at these levels. Elections to the municipal and county councils are held every fourth year.

7. The administration of justice is carried out by the courts of law at three instances, the District or City Courts (herreds - or byretter), the High Courts (lagmannsretter) and the Supreme Court (Høyesterett). The courts of law have fully preserved their independence of the other powers of State. In Norway, there are no provisions of procedural law to prevent the individual from bringing an action against the State. Thus, the legality of decisions of the administrative authorities is subject to court control. The public administration is also supervised by the Storting's ombudsman for public administration.

III. GENERAL LEGAL FRAMEWORK WITHIN WHICH HUMAN RIGHTS ARE PROTECTED

8. Information concerning the legal framework within which human rights are protected in Norway is contained in the initial report submitted by Norway (CCPR/C/1/Add.5, hereinafter referred to as "Norway's Initial Report") pages 1-2, and in the second periodic report (CCPR/C/42/Add.5, hereinafter referred to as "Norway's Second Periodic Report") paragraph 5. In the light of earlier communication with the Human Rights Committee and recent developments, the following may be added.

The status of human rights instruments in domestic law

9. The relationship between domestic law and international law in Norway is traditionally described as dualistic. As is stated in Norway's Initial Report, this implies that in the event of a conflict between domestic law and international law, Norwegian courts shall in principle apply domestic law.

10. Despite the dualistic approach, it is not disputed in Norway that international law, including treaties, is a relevant source of law in Norway. Thus, the provisions of human rights treaties may be invoked before the courts. What is disputed is whether it is still valid to state that domestic provisions will prevail in cases of conflict between domestic law and rights or freedoms recognized in human rights treaties to which Norway is a State party. More and more scholars have challenged the traditional view, among them the current Chief Justice of the Supreme Court, Carsten Smith. The courts face an increasing number of cases in

which reference is made to human rights instruments. So far, the Supreme Court has not found that there has been a conflict between Norwegian law and a human rights instrument. Thus, the question disputed among scholars has not been answered by the judiciary. One may therefore conclude that the status of international human rights treaties, including the Covenant, in Norwegian law is not quite clear at present.

11. In order to remedy this, and to increase the effectiveness of human righs instruments in Norwegian society, the Norwegian Government in 1989 stated that the important international human rights treaties to which Norway is a party should be incorporated in or adapted to Norwegian legislation. This statement, a so-called "decision of principle", received much publicity and was followed up by the appointment of a committee of lawyers, which was asked to propose the necessary constitutional or statutory provisions, and also given certain other tasks (see below). The committee is expected to present its report during the first half of 1992.

Responsibility for monitoring the implementation of human rights

12. No specific body has been established in Norway to monitor the implementation of human rights. One of the tasks of the committee mentioned above will be to consider whether the establishment of such a body is desirable.

13. The absence of a specific body does not mean that there are no national "watchdogs". According to section 28 of the Public Administration Act (of 10 February 1967), individual administrative decisions may be appealed by one of the parties concerned or another person having a legal interest in appealing the case to the administrative agency which is the immediate superior of the administrative agency which rendered the administrative decision. All courts, at all levels, have the authority to decide cases in which human rights are invoked. In addition, the Storting's Ombudsman for Public Administration plays an increasingly important role in this field. In his annual report for 1990, the Ombudsman addressed the issue whether the Ombudsman institution could contribute to the promotion and strengthening of human rights (see pages 22-23). He concluded:

> "In connection with the investigation of various matters, I shall at the same time see to it that administrative agencies have had due regard for any international obligations related to human rights by which Norway might be bound. If it is not clear from the decisions taken by administrative agencies that the relevant provisions of international law have been taken into account, they will be requested to consider the matter again. I shall also, pursuant to sections 11 and 12 of the Act relating to the Ombudsman for Public Administration, inform the Storting and the administrative agencies of any discrepancies between international law and Norwegian law that come to my attention. I would stress that the complaints brought before the Ombudsman do not ordinarily raise any difficulties as regards our human rights obligations. However, it is frequently necessary to refer to the provisions and principles set out in the conventions, although no direct reference is made to these documents in the opinions stated by the Ombudsman. In the view of the Ombudsman, it will be important to promote the implementation of human rights in Norwegian administrative procedures and thus enhance general awareness of the significance of human rights for administrative agencies' application of the law."

IV. INFORMATION AND PUBLICITY

14. Certain efforts to promote awareness among the public and the relevant authorities of the rights set out in various human rights instruments are described in paragraphs 3 and 4 of Norway's Second Periodic Report in which information on the Norwegian Government's Advisory Committee on Human Rights is supplied, and in paragraphs 6 and 7, which deal with the establishment of the Norwegian Institute of Human Rights. In the light of the amount of time which has elapsed, the following may be added regarding these bodies and their activities relating to information on human rights.

15. Since its establishment in 1987, the Norwegian Institute of Human Rights has become a vital centre for activities relating to human rights, among these the dissemination of information, both to the public and to professionals. Among the tasks carried out by the Institute in this respect, the following deserve particular mention:

(a) In April 1991 a compilation of all the major international human rights instruments, translated into Norwegian, was published at the initiative of the Institute. The compilation is for sale in ordinary bookstores;

(b) The Institute publishes a quarterly, the Nordic Journal on Human Rights, which is the only Nordic journal with a particular focus on human rights. The journal includes, inter alia, reviews of judgements by the European Court of Human Rights;

(c) Since 1991 the Institute's library has served as a depository library for the Human Rights Division of the Council of Europe. This service is particularly important to lawyers and the press;

(d) Public seminars are frequently organized by the Institute, often in cooperation with other research institutions or non-governmental organizations;

(e) The Institute publishes academic studies on human rights issues. The studies are advertised in professional journals and distributed at cost price;

(f) Law students are taught by researchers from the Institute.

16. The Institute is affiliated with the Faculty of Law of the University of Oslo. It receives most of its funding from the central Government.

17. The Advisory Committee on Human Rights has become a permanent body, meeting approximately four times a year. In addition, meetings take place in working groups consisting of members of the committee. The Advisory Committee is composed of members of the Storting from various political parties, civil servants from various ministries, representatives of non-governmental organizations and researchers in the field of human rights. This ensures a flow of information between the various groups on current activities and concerns within the field of human rights. One result of this is increased awareness of the rights set out in the various instruments among those participants who do not deal exclusively with human rights on a daily basis.

18. A draft of the present report has been examined by the Advisory Committee's working group on United Nations-related issues.

19. All reports which are submitted in accordance with human rights instruments, as well as the written record of the dialogue with the relevant committee, are accessible on request pursuant to the provisions of Act No. 69 of 19 June 1970 relating to Public Access to Documents in the Public Administration. Neither the reports nor the records of the dialogues has given rise to public debate.

20. The Norwegian Government recognizes that there is a need to enhance the awareness - both among the public and among members of the legal profession - of the rights set out in the various human rights instruments. The committee set up to suggest how to implement the human rights conventions in Norwegian legislation (see para. 11 above) has thus also been asked to consider what measures other than legislation are needed in connection with the envisaged reform. As examples of such measures, the terms of reference of the committee explicitly refer to information on the conventions, and measures facilitating knowledge of and access to decisions made, and opinions expressed, by convention organs.

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